

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth, COFINA,
HTA, ERS, and PBA.**

**INFORMATIVE MOTION OF THE COMMONWEALTH OF PUERTO RICO,
THE PUERTO RICO SALES TAX FINANCING AUTHORITY, THE PUERTO RICO
HIGHWAYS AND TRANSPORTATION AUTHORITY, THE EMPLOYEES
RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO, AND THE PUERTO RICO PUBLIC BUILDINGS AUTHORITY
REGARDING THREE HUNDRED SEVENTY-FOURTH OMNIBUS OBJECTION
(SUBSTANTIVE) TO LATE-FILED CLAIMS AND THREE HUNDRED NINETY-
SEVENTH OMNIBUS OBJECTION (SUBSTANTIVE) TO LATE-FILED CLAIMS**

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Sales Tax Financing Authority (“COFINA”), the Puerto Rico Highways and Transportation Authority (“HTA”), the Employees Retirement System of the Government of the Commonwealth of Puerto

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth, COFINA, ERS, and HTA, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby respectfully state the following:

1. On August 20, 2021, the Commonwealth, COFINA, HTA, ERS, and PBA filed the *Three Hundred Seventy-Fourth Omnibus Objection to Late-Filed Claims* [ECF No. 17923] (the “Three Hundred Seventy-Fourth Omnibus Objection”), and on October 29, 2021, the Commonwealth, HTA, ERS, and PBA filed the *Three Hundred Ninety-Seventh Omnibus Objection to Late-Filed Claims* [ECF No. 18961] (the “Three Hundred Ninety-Seventh Omnibus Objection”). Both the Three Hundred Seventy-Fourth Omnibus Objection and the Three Hundred Ninety-Seventh Omnibus Objection seek to disallow certain proofs of claim that were filed after the applicable Bar Dates (as defined in the Three Hundred Seventy-Fourth Omnibus Objection and the Three Hundred Ninety-Seventh Omnibus Objection).

2. On February 11, 2022, the Court entered the *Order Concerning Replies in Support of the Three Hundred Seventy-Fourth Omnibus Objection to Claims* [ECF No. 20113] (the “Order”). In the Order, the Court noted that the Oversight Board’s *Reply of the Commonwealth of Puerto Rico, the Puerto Rico Sales Tax Financing Authority, the Puerto Rico Highways and Transportation Authority, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority to Responses* [ECF Nos. 18109, 18110, 18120, 18123, 18139, 18158, 18159, 18165, 18166, 18177, 18184, 18197, 18218, 18234, 18237, 18376, 18480, 18507, 18530, 19033, 19037, 19046, 19125, 19202,

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

19803] to the Three Hundred Seventy-Fourth Omnibus Objection (Substantive) to Late-Filed Claims [ECF No. 19990] “indicates that to the extent certain claimants identified in the Three Hundred Seventy-Fourth Omnibus Objection assert claims on account of liabilities other than principal, interest, or fees and expenses on bond claims, such portions of such claims should be disallowed as late-filed, but that under the pertinent Bar Date Order, any claim for the repayment of principal, interest, and other fees and expenses is not subject to the Bar Date because claimants were not required to file such claims (the ‘Bond-Related Claims’).” Order at 2.

3. Accordingly, the Order directed the Oversight Board to “file an informative motion stating (i) which proofs of claims are Bond-Related Claims; and (ii) the extent to which the Oversight Board is seeking the disallowance of Bond-Related Claims” “prior to submitting a proposed order in connection with the Three Hundred Seventy-Fourth Omnibus Objection.” *Id.* The Order further provides that “the information supplied in response to this Order shall be deemed to modify the relief requested in the Three Hundred Seventy-Fourth Omnibus Objection and the proposed order shall so reflect.” *Id.*

4. Because the Three Hundred Ninety-Seventh Omnibus Objection also seeks disallowance of Bond-Related Claims (as defined in the Order) solely to the extent they assert liabilities other than principal, interest, or fees and expenses, the Oversight Board submits herewith the information requested by the Order with respect to both the Three Hundred Seventy-Fourth Omnibus Objection and the Three Hundred Ninety-Seventh Omnibus Objection.

5. Accordingly, attached as **Attachment 1** and **Attachment 2** hereto are revised schedules of claims subject to the Three Hundred Seventy-Fourth Omnibus Objection and the Three Hundred Ninety-Seventh Omnibus Objection, respectively, identifying which proofs of claim are Bond-Related Claims and clarifying that the Oversight Board seeks to disallow the Bond-

Related Claims solely to the extent they assert liabilities other than principal, interest, or fees and expenses.

Dated: May 24, 2022
San Juan, Puerto Rico

Respectfully submitted,

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